UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/364
22 May 1996

ORIGINAL: ENGLISH

LETTER DATED 22 MAY 1996 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Prosecutor of the Tribunal, Justice Richard Goldstone, has drawn my attention to the following. According to reliable information, General Ratko Mladić was present in Belgrade on Tuesday, 21 May 1996, attending the funeral of General Djukić. It is self-evident that General Mladić entered and left Belgrade unhindered.

The fact that General Mladić has not been arrested by the authorities of the Federal Republic of Yugoslavia is further evidence of the blatant failure of that State to comply with its clear and overriding legal obligation to execute orders of this Tribunal, orders that, to quote a report of the Secretary-General to the Security Council (S/25704, para. 126) "shall be considered to be the application of an enforcement measure under Chapter VII of the Charter of the United Nations".

A warrant for the arrest of General Mladić, issued by a judge of our Tribunal, was formally served on the authorities of the Federal Republic of Yugoslavia many months ago.

I also feel duty bound to draw your attention to another notably serious event. According to reliable information passed to me by Prosecutor Goldstone, one of the three indictees about whom I had reported to you in my letter of 24 April 1996 (see S/1996/319), against whom our Tribunal has issued an international arrest warrant, namely Colonel Veselin Sljivancanin, was also seen on 21 May 1996 in Belgrade attending the funeral of General Djukić. In your statement of 8 May 1996 deploring the failure of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the International Tribunal against the three named individuals (see S/PRST/1996/23), it was also stated that the Security Council would remain seized of the matter. I therefore thought that it would be appropriate for me to report to you on this continuing

violation by the Federal Republic of Yugoslavia of its obligation to cooperate with our Tribunal pursuant to Security Council resolution 827 (1993) in respect of one of those individuals.

(Signed) Antonio CASSESE
President

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/365
23 May 1996

ORIGINAL: ENGLISH

LETTER DATED 23 MAY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have asked me to thank you for your letter of 20 May 1996 (S/1996/356), with which you enclosed the text of the memorandum of understanding concluded that day between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995) of 15 April 1995. They welcome the conclusion of the memorandum of understanding and agree that it represents an important step towards the implementation of that resolution as a temporary measure to provide for the humanitarian needs of the Iraqi people. They extend their congratulations on this significant achievement. They look forward to the President of the Council informing the members of the Council that he has received the report from you requested in paragraph 13 of resolution 986 (1996).

(Signed) QIN Huasun
President of the
Security Council

96-12909 (E) 230596 240596

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/366
23 May 1996

ORIGINAL: ENGLISH

LETTER DATED 22 MAY 1996 FROM THE PERMANENT REPRESENTATIVES OF NAMIBIA AND THE UNITED REPUBLIC OF TANZANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to transmit to you a memorandum by the Frente Polisario to the members of the Security Council on the question of Western Sahara (see annex) and we should be grateful if you would have it circulated as a document of the Security Council.

(Signed) Tunguru HUARAKA
Ambassador
Permanent Representative
of the
Republic of Namibia
to the United Nations

(Signed) Daudi MWAKAWAGO
Ambassador
Permanent Representative
of the
United Republic of Tanzania
to the United Nations

96-12903 (E) 230596 240596

/...

Annex

Memorandum dated May 1996 on the latest developments of the United Nations/Organization of African Unity Western Sahara peace plan by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro

The UN/OAU peace plan on Western Sahara will enter, in the next few weeks, into the most critical phase since its approval by the Security Council in June 1991.

The Referendum on self-determination envisaged by the United Nations in this plan, as a peaceful solution to the conflict of decolonization of Western Sahara, was delayed *sine die*, in December 1991, as a result of the Moroccan will to obstruct and change it, so as to legitimize its illegal occupation of the Sahrawi territory.

As it is known, the original peace plan was changed unilaterally when its most important clause, considering the 1974 Spanish census (conducted by Spain before its withdrawal) as the unique basis for the establishment of the electoral body for the referendum, was replaced by new criteria of voters, which permits Morocco to include in the electoral lists a Moroccan population which has been previously transferred to Western Sahara. As demonstrated by events, this radical change was a fatal blow to the perspective of a free and fair referendum in Western Sahara.

A DECISIVE REPORT: CAUSES OF A POSSIBLE FAILURE

The possibility that the Secretary-General of the United Nations , in his forthcoming report to the Security Council on May 15, 1996, will announce the failure and withdrawal of the MINURSO, is a serious and almost unavoidable eventuality.

What are the causes of this possible failure?

It is essentially due to the combination of an open Moroccan opposition to a free and fair referendum and a surprising lack of firmness shown by MINURSO in the management of the peace plan. The lack of firmness led to a situation whereby nothing can be proposed or done without the approval of the occupying power of the territory. This element of total dependency, hidden and, at times, denied by MINURSO, has emerged little by little until its existence has became crystal clear to the international public opinion.

There are immediate and remote factors which can explain the imminent failure:

1. Among the first, the categorical opposition of Morocco to the principle of transparency in the management of the peace process was a decisive factor.

As it is known, the Secretary-General, in his January 1996 report to the Security Council, decided that the MINURSO provides the two parties, Morocco and the Polisario Front, with the list of persons that have been, so far, declared by the Identification Commission as voters in the forthcoming referendum (para. 16 of the report S/1996/43).

This decision of the Secretary General was a wise and justified act. Transparency is an essential element and a basic principle of any operation of peace in the hands of the United Nations. Its non-application will lead to the raising of legitimate questions and will result in a serious blow to the credibility of the international organization in charge of a referendum operation.

The Polisario Front welcomed wholeheartedly this decision. However, Morocco categorically opposed it. This Moroccan veto paralyzed the MINURSO and confirmed the lack of independence of the United Nations in the management of the peace process. The consequences of this action are of extreme seriousness for the whole peace process, in that without transparency there can be no free and fair referendum.

This unjustified behavior of the Kingdom of Morocco is the latest in a series of obstructions which clearly attest to the fact that the occupying power refuses to accept,both now and in the future, the holding of a referendum on self-determination as a solution to the conflict of decolonization of Western Sahara.

2. Among the remote factors that have led to the imminent failure of the peace process are, as seen, the imposition of a radical change of the original peace plan in December 1991, the massive transfer of Moroccan settlers into the territory, the rejection of direct dialogue with the Polisario Front and statements of high-level Moroccan authorities declaring that they will not accept the result of a referendum in favor of independence.

These elements of information and assessment seem to show that the peace process was doomed to failure from the beginning due the UN's unwillingness to act.

Several international independent observers such as Human Rights Watch (letter addressed to the UN Security Council on September 19, 1995) have concluded that Morocco "has manipulated the operation of the referendum". In this regard, the former number two of the MINURSO, US Ambassador **Frank Ruddy**, has come to the same conclusions, which he stated in a hearing before the US Congress in January 1995. It could also be for this reason that he was prevented from giving a testimony before the Fourth Committee of the UN General Assembly in October 1995. On the other hand, newspapers such as *The New York Times*, (March 5, 1995) noticed that "few are those who believe that Morocco will give up Western Sahara, regardless of the outcome of any referendum".

THE IDENTIFICATION OF VOTERS: THE BEGINNING OF THE END

In any referendum, particularly one of decolonization, the electoral body is the most important element, along with the circumstances and conditions surrounding such a vote.

I. The Polisario Front, in a spirit of cooperation with the United Nations during the negotiations which led to the elaboration of the peace plan, accepted that Morocco kept 65,000 troops, in addition to its administration and settlers,during the transitional period. The UN mediators assured the Polisario Front that, in order to counteract these factors of military and administrative pressure, it was of utmost importance to have faith and confidence in the moral and political authority of the United Nations.

In the meantime, an unequivocal agreement on the question regarding the electoral body was reached. It stipulates that "All Sahrawis 18-years- old or more, that are included in the 1974 Spanish census will have the right to vote". Such a census registered a population of about 75,000 persons. This agreement was in fact what permitted the elaboration of the plan and the establishment of the MINURSO.

II. Once the implementation of the plan was initiated, and after the cease-fire came into force on September 6, 1991, and a date for the 92 referendum scheduled , Morocco reneged on its commitment and began transferring waves of thousands of its own citizens into the territory, in order to include them in the voters lists.

The United Nations opted for silence in the face of this violation of the peace plan, which was, among other things, what led to the resignation of the then Special Representative of the Secretary-General, Swiss Ambassador Johannes Manz. Four months later, on December 19, 1991, Morocco imposed on the UN a criteria of eligibility aimed at allowing newly transferred Moroccan population to vote.

Since then, the door has been left open for a plebiscite whose electoral body was compiled according to the desire of the Kingdom of Morocco. The submission by the Moroccan authorities of 181,000 applications to the identification commission of MINURSO was only the numerical expression of a premeditated fraud (see appendix).

III. After almost two years of work, carried out in dubious circumstances imposed by Morocco, the identification commission was only able to examine the applications of 60,000 people, from a total of 242,000, of which some 181,000,as seen, were forwarded by the Moroccan authorities as so called Sahrawis .

The applications presented by Morocco do not meet with the conditions required by the original peace plan nor those contained in the so called "proposals of compromise" of the current Secretary General, presented in June 1993, specifically that the applicant must prove that "he/she belongs to a Sahrawi sub-fraction included in the 1974 Spanish census".

During all this time, it has been demonstrated that the Moroccan authorities have been engaged in a strategy of large-scale fraud culminating in Morocco's adamant refusal to allow the identification Commission to publish and give to the two parties the specific result of its work during the first phase of voters' identification.

The Moroccan opposition to transparency shows that it seeks to impose a procedure that is incompatible with a free and fair referendum and contrary to the wishes of the international community.

PERSPECTIVES

The original peace plan, which went into crisis in December 1991 due to Morocco's deviation from its objective,was also characterized by serious ambiguities from the start which were never clarified despite the repeated requests of the Polisario Front.

Among these ambiguities is the code of conduct which governs the electoral campaign, the confinement of troops, the presence of international observers and reporters and, above all, the mechanisms required to guarantee the respect of the final outcome of the referendum.

The elements mentioned in the above paragraphs point to the reasons that the peace process in Western Sahara took a road which will unfortunately lead to its ultimate failure.

The Polisario Front had trusted that the UN's moral and political authority, deriving from its responsibility in the decolonization of Western Sahara, would stand up to the Moroccan challenge. This confidence was translated into an attitude of great flexibility during the elaboration of the peace plan as well as during the continuous efforts to save it from the various deviations that occurred since its violation in 1991.

The challenge and obstinacy with which Morocco continued "to manipulate the operation" (Human Rights Watch) reached a scandalous point when it opposed the publication of the list of voters already identified.

Furthermore, both the unjustified rejection by the Moroccan government of a direct dialogue with the Polisario - which could facilitate the implementation of the peace plan- and Morocco's proclaimed intention not to respect any referendum that do not guarantee beforehand a result favorable to its interests are factors that demonstrate that there is indeed a party which is responsible for the failure of the peace plan.

The United Nations either did not want or was unable to respond firmly to the Moroccan abuses. Instead, its *laissez-faire attitude* allowed Morocco to do as it wished.

Thus, the UN's inability to organize a free and fair referendum and the inconsistency of its implication in the fraud, as wished by Morocco, are the indications of the organization's

failure.

As reported by the international media, the United Nations is preparing the announcement of the end of its mission for the referendum in Western Sahara (MINURSO). The likelihood of this announcement will come just after independent observers have stated that "serious human rights violations have continued to be committed by the Moroccan security forces in Western Sahara, in violation of international human rights treaties ratified by Morocco and despite the presence since 1991 of the United Nations Mission for the referendum in Western Sahara, MINURSO" (Amnesty International, 18 April, 1996, MDE 29/04/96).

It is difficult to argue that this failure is due to a lack of finances or of cooperation of the two parties. All of the UN member states, and particularly those in the Security Council, are well aware of the real reasons of what could become the most famous failure of the United Nations. The reason is crystal clear: the lack of firmness on the part of the UN in the face of the intransigence of Morocco.

A partial withdrawal of the MINURSO that will leave in place only the military component is not only a symbol of a failure, which could and should have been prevented, but it also reflects the extent to which the United Nations is held prisoner to Morocco's wishes.

Up to now, the MINURSO military contingent has had the responsibility, in conformity with the peace plan, to monitor the cease-fire, which is the first step in the referendum process.

Once it is realized that it is impossible to hold a free and fair referendum, the maintaining of the cease-fire without a prospective referendum will only serve to give an international blessing to the illegal occupation of the territory. This goes against the UN's commitment to decolonization.

An alternative option, which does not take into consideration the colonial nature of the problem and does not count on the support of both parties, is neither realistic nor advisable. Furthermore, it would implicate both the United Nations and the Security Council in an unilateral approach, again contrary to the principles contained in the UN Charter.

The Polisario Front considers that Morocco's attitude not only prevents the continuation of the peace process in a transparent and credible way but it could also lead to the end of the process and, therefore, to a major crisis.

The Saharawi people do not desire war and will continue to undertake all possible efforts to secure a peaceful and just solution to the conflict for a lasting decolonization of Western Sahara. However, the Saharawi people will spare no efforts, if need be, to defend their right to self-determination and independence.

The international community has a responsibility to bring the process to its completion, in order to prevent a regional crisis of dangerous and unpredictable proportions. In this regard,

/...

a decisive action should take into account the following:

1. The decolonization nature of the problem. The occupying power must respect the right to self-determination of the Sahrawi people and renounce to its attempts to substitute this people with a Moroccan population.

2. The identification process of voters may be resumed, provided that the process is ruled by transparency. Transparency is the main guarantee for credibility. Morocco fears this sacred principle but the UN should not.

3. An appeal to the two parties in the conflict to start direct negotiations under the auspices of the United Nations, in order to resolve the outstanding problems. The negotiations would facilitate the task of both the UN and OAU to implement the settlement plan in a transparent manner.

Appendix

I. Within the Settlement Plan (Report S/21360 of June 18,1990) it is indicated with regard to the identification:

-Para.25:
"In order to facilitate the counting in a census of the Saharawis, the Secretary-General will establish, in consultation with the President of the OAU, an Identification Commission to review carefully and scrupulously the 1974 Spanish census and to update it".

-Para.27:
"The role of the Identification Commission of the Saharawis is to:

a) Examine carefully the census conducted by the Spanish authorities in the Territory in 1974 and to update it.

b) To proceed to the counting of the real Saharawi population growth during the period from the date of the census above-mentioned to the date of the organization of the referendum taking into account the following elements:

i) Birth and death
ii) Displacement of the saharawi populations."

II. From the coming into force of the cease-fire, on September 1991, Morocco started, in violation of the terms of paragraphs 71 and 72 of the Settlement Plan, the transfer of dozens of thousands of Moroccans citizens into Western Sahara in order to include them in the identification process.
Despite this new *fait accompli*, the UN Secretary-General, Mr. Perez de Cuellar, enacted new criteria of eligibility (in his Report S/23299 of December 19, 1991) that ignored the framework defined by the Settlement Plan itself.

These new criteria are five:

1) Persons who are counted in the revised list of 1974 census;
2) Persons who resided in the Territory as member of a Sahrawi tribe at the time of the 1974 census,but have not been counted in the census;
3) Members of immediate families of these two first groups (father, mother and children);
4) Persons of Sahrawi father born in the Territory;
5) Persons, members of Sahrawis tribes belonging to the Territory, who have resided 6 consecutive years or an intermittent time cumulative of total of 12 years before December 1, 1974.

For the implementation of these criteria, the Secretary-General Report S/23299 made it clear in paragraph 21 that: "The Commission will, above all, have in mind, that in order to carry a practical identification, it is the belonging of a person to a familial group (sub-fraction of a tribe) belonging to the Territory which will prevail to determine the right to participate un the referendum".

The Report of December 1991 was a clear violation of the original peace plan and a obvious alignment on the Morocco's desires.

While the operation of identification should have dealt only with 74,902 persons counted in 1974 census and few hundreds persons that have reached 18 years-old at the time of the referendum (Feb.1992), the new criteria (mainly number 4 and 5) opened the door wide for the identification of dozens of thousands of new persons coming from Morocco. The Moroccan authorities claimed that these people are of "Sahrawi origins" and that they can "prove"it by a sheikh's oral testimony. Be; but who are the sheikhs? Who are the sub-fractions belonging to the Territory?

III. The period from December 1991 to June 1993 was reserved to the interpretation of the criteria. This exercise led to the so-called "Secretary-General compromise proposal" (Report S/26185 of July 28, 1993).

In this text, the Secretary-General, while reaffirming the five criteria, indicated:

a) A sub-fraction belonging to the Territory is **"a sub-fraction included in the Spanish census"**. This interpretation came from a Moroccan official document. However, the belonging of any applicant to a sub-fraction included in the 1974 census is a precondition for its identification.

b) With regard to the proofs:

"For an exceptional case, in the case where the interested person does not have any document or possesses incomplete or insufficient Spanish documents, the Identification Commission could judge for his or her eligibility to vote in taking into account the testimony of the Chiefs of tribes."

c) Regarding the Chioukhs: **"Only the Chioukhs of sub-fractions included in the 1974 Spanish census will be eligible to testify before the Identification Commission"...**

IV. Despite the reservations publicly expressed, the Polisario Front accepted to cooperate on the basis of the compromise presented by the Secretary-General. The Identification Commission started its work in August 1994 and, since then to December 1995, it has been able to identify some 62,000 persons (40,000 in the occupied territories and 22,000 in the Sahrawi refugee camps). Since then, the operation has been halted.

At this stage it is necessary to notice the following data:

a) The 1974 Spanish census classifies the tribes on an alphabetical order basis. (A, B, C, D, E, F, G, H, I, J).

The first seven tribes (A to G) are subdivided into subfractions (A11 to A62; B11 to B81; C11 to C35; D11 to D22; E11 to E21; F11 to F51; G11 to G61).

However, the tribes H, I, and J are not classified into subfractions, which makes impossible their identification through the compromise of the Secretary-General. For instance, H41, H61 and J51-52 are groups of tribes (H41 are an undetermined number of tribes, H61 more than 17 tribes, and J51-52 close to 62 tribes). Once more, the problem of subfractions and Chioukhs is raised.

b) The number of persons that have already submitted applications is 242,000. The number of persons counted in the 1974 census, and still alive, is 61,000. It must be pointed out that the different census carried out by the colonial Spanish authorities in the Territory throughout more than one century disclosed the following numbers:

-24,563 inhabitants in 1955
-33,439 in 1963-
-37,500 in 1964
-54,178 in 1965
-59,777 in 1970
-74,902 in 1974

c) Morocco has presented 181,000 applications out of 242,000. From that amount, 100,000 still live in Morocco. Based on Morocco´s claims, these so-called Sahrawis were expelled by the Spanish authorities during their colonial rule in the then Spanish Sahara. On these grounds it seems unexplainable why all these supposedly Saharawis have not yet returned to their motherland after the withdrawal of the Spaniards from the territory, and subsequently to Morocco´s annexation.

Furthermore, 110,000 Moroccan applications come from tribes or groups of tribes H, I, and J. It is necessary to recall that the total number of persons from these tribes which were counted in the Spanish census are around 8,000 (14% of the census). They now have come to representing 45% of all applicants, which surpasses any logical updating of the Spanish census. This strange situation applies also to the group H61, which originally had 536 persons counted in the Spanish census. This same group has now submitted 56,000 applicants, among which 46,000 are still living in Morocco.

d) The proposal of compromise presented by both the acting Special Representative and the Secretary-General regarding the identification of certain contested groups (H41, H61, J51-52) on the basis of "a document published by the

competent authorities within the international recognized borders of the territory before 1974" (letter to the Security Council S/1995/924) has been rejected by Morocco.

V. From the above, it appears that Morocco was seeking the support of the international community in its intention to divert the process from its original objective (the Western Sahara people's self- determination) to a simple plebiscite for Moroccan citizens..

Morocco, which originally committed itself to the above-mentioned principle, later abandoned it and, even worse, used a veto to prevent the United Nations from carrying on with the identification process in a transparent and fair way, as stipulated by the Secretary-General in paragraph 16 of his January 1996 report (S/1996/43): "It has been decided that the Commission will take its disposition to share with the two parties, in an appropriate form, the list of applicants identified so far as voters, as well as the list of applicants still to be identified."

Explanatory table for applications for participation in the referendum

	Total	Western Sahara (occupied areas)	Sahrawis in the liberated areas and refugee camps	Morocco	Mauritania	Increase in comparison with the 1974 census
Total number of applicants	242 000	85 140	42 300	98 371	16 189	
Number of whom included in the 1974 census	61 000	28 000	27 000	1 000	5 000	181 000 (296.72%)
Applicants in the subfractions of tribes A, B, C, D, E, F and G	131 738	47 754	38 252	37 869	7 863	
Number of whom included in the 1974 census	53 100	22 800	25 700	580	4 020	78 638 (148.07%)
Applicants among groups of tribes H41, H61 and J51 and 52	76 472	17 786	1 706	53 590	3 390	
Number of whom included in the 1974 census	2 200	1 200	200	50	750	74 272 (2 921.45%)
Applicants among other tribes H, I and J	43 790	19 600	2 342	16 912	4 936	
Number of whom included in the 1974 census	5 708	4 000	1 100	378	230	38 082 (668.38%)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/367
23 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 22 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 21 May 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the violations committed by the U-2 aircraft.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-12926 (E) 240596 240596 250596

/...

Annex

Letter dated 21 May 1996 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

We refer to our letters addressed to the President of the Security Council concerning the violation of Iraq's airspace by the United States U-2 spy plane on the pretext of conducting aerial surveys for the Special Commission, the most recent such letter being that of 19 March 1996 (S/1996/206).

We should like to inform you that this aircraft, which takes off from Saudi territory, has continued its invasions and penetrations of Iraq's airspace in violation of the country's sovereignty and security. As of the end of April 1996 it had made 296 overflights, for a total flight time of 1,336 hours and 50 minutes, since it began such operations in August 1991.

The facts that have come to light since the aircraft was first brought into use, which are set forth in our aforementioned letters, and the ill repute the aircraft has acquired from its past espionage activities in various parts of the world make it incumbent upon the United Nations to re-examine the question of the continued coercive use of the aircraft by the United States of America to violate Iraq's airspace in a manner totally incompatible with the purposes and principles of the Charter of the United Nations as they relate to respect for the sovereignty of all Member States.

We condemn these unjustified violations of our airspace and demand a complete halt to these unlawful acts. Iraq reserves the right to seek redress for the material and other damage caused by this aircraft's violations of its airspace.

I take this opportunity to reiterate our request, as made in the 108 letters we have thus far addressed to the Secretary-General on this subject, that Iraqi aircraft should be used instead of foreign aircraft in the work of the Special Commission in order to exclude any possibility of such foreign aircraft being used for purposes prejudicial to Iraq's sovereignty and security.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/368
23 May 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS DISENGAGEMENT OBSERVER FORCE

(For the period of 18 November 1995 to 17 May 1996)

I. INTRODUCTION

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) since my previous report of 17 November 1995 (S/1995/952).

2. The mandate of UNDOF mandate was established by the Security Council in its resolution 350 (1974) and has been extended by subsequent resolutions, most recently by resolution 1024 (1995) of 28 November 1995. The functions and guidelines of UNDOF, as well as its tasks, were outlined in the Secretary-General's report of 27 November 1974 (S/11563, paras. 8-10).

II. ACTIVITIES OF THE FORCE

3. During the period under review, the cease-fire in the Israel-Syria sector was maintained without serious incidents and the area of operation of UNDOF remained calm.

4. UNDOF supervised the area of separation to ensure that no military forces were deployed in it. This was effected by means of permanently manned positions and observation posts and patrols operating at irregular intervals on predetermined routes by day and by night. In addition, temporary outposts were established and additional patrols were conducted from time to time as necessary. UNDOF also continued its fortnightly inspections of armament and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on UNDOF's freedom of movement.

5. The Force Commander and his staff maintained close contact with the military liaison staffs of Israel and the Syrian Arab Republic. Both parties cooperated with the Force in the execution of its tasks.

6. UNDOF assisted the International Committee of the Red Cross with facilities for mail and the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population on request.

III. ORGANIZATIONAL MATTERS

7. In February 1996, the Canadian transport platoon was replaced by a unit made available by the Government of Japan (see S/1995/1022 and S/1995/1023). As of May 1996, UNDOF comprised 1,054 troops from Austria, Canada, Japan and Poland (463, 189, 45, and 357 troops respectively), as well as 4 United Nations military observers detailed from the United Nations Truce Supervision Organization (UNTSO). In addition, UNDOF was assisted by the 80 UNTSO military observers of the Observer Group Golan (OGG). A map showing UNDOF's area of operations and deployment is attached.

8. Major-General Johannes C. Kosters of the Netherlands continued as Force Commander.

IV. FINANCIAL ASPECTS

9. By its resolution 50/20 of 1 December 1995, the General Assembly, inter alia, authorized the Secretary-General to enter into commitments for UNDOF at a rate not to exceed $2,679,000 gross per month for a period of up to seven months, from 1 December 1995 to 30 June 1996. The proposed budget for the maintenance of the Force for the period from 1 July 1996 to 30 June 1997 (A/50/386/Add.1) is currently under consideration by the General Assembly. The estimated cost of maintaining UNDOF at its current strength for that period is $31,494,000 gross.

10. Unpaid assessments to the UNDOF special account as at 31 May 1996 amounted to $60.7 million. Total unpaid assessed contributions for all peace-keeping operations amounted to $2.2 billion.

V. IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 338 (1973)

11. In deciding in its resolution 1024 (1995) of 28 November 1995 to renew the mandate of UNDOF for a further period of six months, the Security Council also called upon the parties concerned to implement immediately its resolution 338 (1973) and requested the Secretary-General to submit, at the end of the period, a report on the developments in the situation and the measures taken to implement that resolution.

12. The search for a peaceful settlement in the Middle East and, in particular, the efforts undertaken at various levels to implement Security Council resolution 338 (1973) were dealt with in my report on the situation in the Middle East (A/50/547), submitted in pursuance of General Assembly resolutions 49/87 A and 49/87 B of 16 December 1994.

VI. OBSERVATIONS

13. UNDOF, which was established in May 1974 to supervise the cease-fire called for by the Security Council and the agreement on disengagement between Israeli and Syrian forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties. The situation in the Israel-Syria sector has remained quiet and there has been no serious incident.

14. Despite the present quiet in the Israel-Syria sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

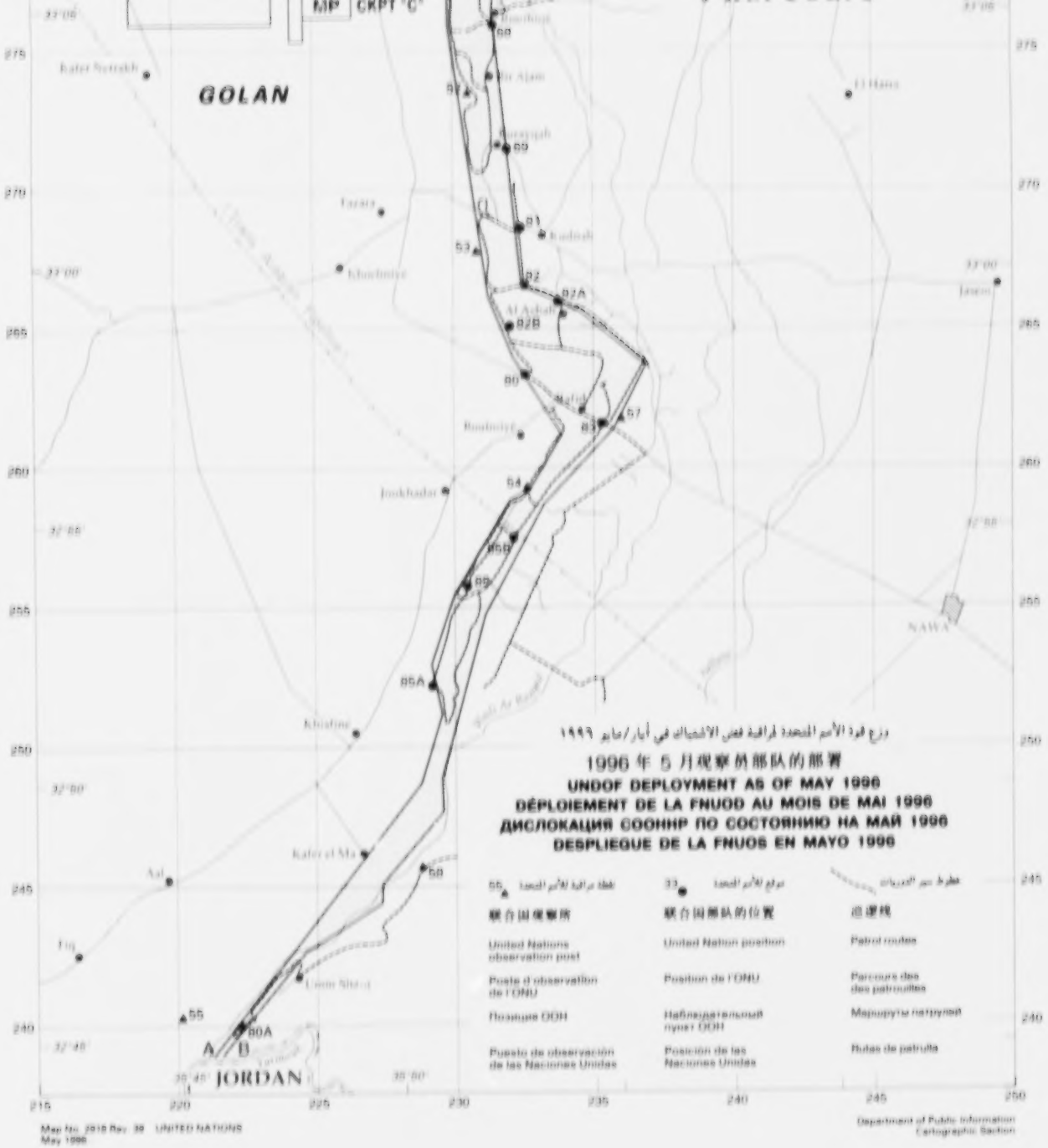
15. In the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 November 1996. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel has also expressed its agreement.

16. In making this recommendation, I must draw attention to the serious shortfall in the funding of the Force. At present, unpaid assessments amount to some $60.7 million. This sum, comparable to twice the UNDOF annual budget, represents money owed to Member States that contribute the troops who make up the Force. I appeal to all Member States to pay their assessments promptly and in full and to clear all remaining arrears.

17. The enduring scarcity of the resources available to the Organization has compelled me to seek ways to reduce expenditures in UNDOF and other peace-keeping operations. Since 1992, UNDOF has implemented two streamlining exercises, which have reduced its size and budget by more than 20 per cent, leaving it a very lean and cost-effective operation. That this has been possible is owed in large part to the very good cooperation both Israel and the Syrian Arab Republic have extended to the Force. I shall continue to keep UNDOF under close scrutiny with a view to using every opportunity for further economies.

18. In conclusion, I wish to pay tribute to Major-General Johannes C. Kosters and to the men and women under his command. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those that provide the UNTSO military observers assigned to the Force.

LEBANON
MOUNT HERMON
2814m
2224m
SYRIAN
ARAB
PALESTINE BELT GRID
The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.
HQ UNDOF
AUSBATT
LOG LOGBATT DET
Camp Faouar
AUSBATT
POLBATT
POLBATT
Camp Zinouni
LOG LOGBATT
CANCON
JAPCON


GOLAN
JORDAN
Kafer Nemakh
Tasma
Khushniya
Jnokhadar
Kafer el Ma
Ain Ajam
Ruadeiyat
Al Adadi
NAWA
Khisfine
Ain
Tiq
Umm Shert
69
91
53
92
92A
82B
80
83
57
54
86B
89
85A
58
55
80A
A
B
MP
CKPT 'C'
دزع قوة الأمم المتحدة لمراقبة فض الاشتباك في أيار/مايو ١٩٩٦
1996 年 5 月观察员部队的部署
UNDOF DEPLOYMENT AS OF MAY 1996
DÉPLOIEMENT DE LA FNUOD AU MOIS DE MAI 1996
ДИСЛОКАЦИЯ СООННР ПО СОСТОЯНИЮ НА МАЙ 1996
DESPLIEGUE DE LA FNUOS EN MAYO 1996
United Nations observation post
Position de l'ONU
Patrol routes
Map No. 2918 Rev. 39 UNITED NATIONS
May 1996
Department of Public Information
Cartographic Section

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/369
23 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 MAY 1996 FROM THE PERMANENT OBSERVER OF THE LEAGUE OF ARAB STATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a letter addressed to you by Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity, and Mr. Ahmed Esmat Abdel Meguid, Secretary-General of the League of Arab States, concerning the search for a just and peaceful settlement of the Lockerbie crisis.

I should be grateful if you would both bring this letter to the attention of the President of the Security Council and have it circulated as a document of the Security Council.

(Signed) Mahmoud ABOUL-NASR
Ambassador
Permanent Observer

96-13018 (E) 240596 240596 250596

/...

Annex

Letter dated 7 May 1996 from the Secretary-General of the League of Arab States and the Secretary-General of the Organization of African Unity addressed to the Secretary-General

In the context of coordinating the joint efforts of the League of Arab States and the Organization of African Unity to seek a just and peaceful solution to the Lockerbie crisis, we have the honour to inform you that the LAS Committee of Seven and the OAU Committee of Five, the two bodies established to monitor developments in the crisis, held a joint meeting on 11 April 1996 at the headquarters of the General Secretariat of the League in Cairo.

The members of the two committees carefully studied the developments that had taken place with respect to the crisis and noted that a majority of the world's countries had responded favourably to the flexible and positive position adopted by the Libyan Arab Jamahiriya with a view to seeking a just and peaceful solution to the crisis. The meeting adopted a statement, a copy of which we are transmitting to you herewith (see enclosure), affirming the solidarity of the Arab and African countries with the Libyan position and calling upon the three Western countries concerned to respond to it positively and with understanding.

The statement expresses support for the proposal contained in LAS Council resolution 5373, adopted on 27 March 1994, that the two suspects should be given a fair trial by Scottish judges in conformity with Scots law at the seat of the International Court of Justice at The Hague, and it urges the Security Council to consider this proposal as a basis for resolving the crisis.

By means of this joint letter expressing the solidarity of the Arab and African positions on the matter - a position that also enjoys the solidarity and support of the members of the Movement of Non-Aligned Countries and the Organization of the Islamic Conference and of many other countries - we urge you to use all your influence, in the context of your important responsibilities, to promote the adoption by the international community of this rational, peaceful solution so that the embargo on the Libyan Arab Jamahiriya can be lifted.

(Signed) Ahmed Esmat ABDEL MEGUID
Secretary-General
of the League of Arab States

(Signed) Salim Ahmed SALIM
Secretary-General
of the Organization of African Unity

Enclosure

Statement adopted on 11 April 1996 by the joint meeting of the Committee of Seven of the League of Arab States and the Committee of Five of the Organization of African Unity

On the evening of 11 April 1996, the Committee of Seven of the League of Arab States and the Committee of Five of the Organization of African Unity responsible for dealing with the Lockerbie crisis held a joint meeting at the headquarters of the General Secretariat of the League of Arab States in Cairo.

Having considered the latest developments relating to the crisis, and having heard details from the Secretary-General of the League of Arab States and the Secretary-General of the Organization of African Unity concerning the efforts that the two organizations have made to bring about a peaceful and just solution to this crisis,

And having heard a statement by the head of the delegation of the Libyan Arab Jamahiriya detailing the proposals and initiatives put forward by his country in response to the obligations relating to the implementation of Security Council resolution 731 (1992),

The members of the two Committees:

Reaffirm the resolutions adopted by the League of Arab States and the Organization of African Unity expressing solidarity with the Great Socialist People's Libyan Arab Jamahiriya and support for its efforts to find a peaceful solution to the crisis in the context of respect for the principles of international law and for Libyan national sovereignty;

Express their deep concern about the human losses and material damage suffered by the Libyan people and the peoples of neighbouring States as a result of the coercive measures imposed against Libya pursuant to Security Council resolutions 748 (1992) and 883 (1993);

Affirm in this regard the dangers resulting from the insistence of the Western countries concerned on the continued imposition of sanctions against the Libyan Arab Jamahiriya, and the threats that the continuation of the crisis could pose to regional and international peace and security;

Express their appreciation to the majority of the world's States for their solidarity with the Libyan Arab Jamahiriya in this crisis, referring in this regard to paragraph 163 of the final document issued by the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held in Colombia on 20 October 1995;

Call upon the three Western countries concerned to show flexibility and respond positively to the Libyan position and the efforts and initiatives calling for dialogue and negotiation with a view to reaching a peaceful solution to the crisis in accordance with Article 33 of Chapter VI of the Charter of the

United Nations, which calls for the settlement of disputes by negotiation, mediation and judicial settlement;

Reaffirm the constructive nature of the proposal put forward in resolution 5373, adopted by the Council of the League of Arab States on 27 March 1994 at its one hundred and first ordinary session, that the two suspects should be judged equitably by the Scottish judges in conformity with Scottish law at the seat of the International Court of Justice at The Hague;

Urge the Security Council to use this practical proposal as a basis for resolving the crisis and to reconsider its resolutions 731 (1992), 748 (1992) and 883 (1993) with a view to lifting the sanctions imposed against the Libyan Arab Jamahiriya;

Assign to the Secretary-General of the League of Arab States and the Secretary-General of the Organization of African Unity responsibility for coordinating their joint efforts with the States concerned, States members of the Security Council and the Secretary-General of the United Nations, in accordance with a plan of action for dealing with the situation, in order to prevent any escalation of the crisis and to reach a peaceful and just settlement acceptable to all the parties concerned.